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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

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9 Ramon Adrian Espinoza-Cuamea,

10 Plaintiff,

11 v.

12 United States of America,,

13 Defendant.

No. CV-11-02398-PHX-GMS (MEA)

**ORDER**

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15 Pending before the Court are Petitioner's Motion to Vacate, Set Aside or Correct  
16 Sentence and United States Magistrate Judge Mark E. Aspey's Report and  
17 Recommendation ("R&R"). Docs. 10, 12. The R&R recommends that the Court deny  
18 and dismiss with prejudice. Doc. 12 at 9. The Magistrate Judge advised the parties that  
19 they had fourteen days to file objections to the R&R and that failure to file timely  
20 objections could be considered a waiver of the right to obtain review of the R&R. *Id.* at  
21 9-10 (citing Fed. R. Civ. P. 72(b); LRCiv 7.2; *United States v. Reyna-Tapia*, 328 F.3d  
22 1114, 1121 (9th Cir. 2003)).

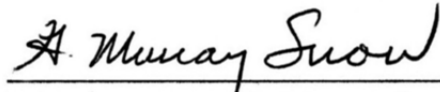
23 The parties did not file objections, which relieves the Court of its obligation to  
24 review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149  
25 (1985) ("does not . . . require any review at all . . . of any issue that is not the subject of  
26 an objection."); Fed. R. Civ. P. 72(b)(3) ("The district judge must determine de novo any  
27 part of the magistrate judge's disposition that has been properly objected to."). The Court  
28 has nonetheless reviewed the R&R and finds that it is well-taken. The Court will accept

1 the R&R and deny the Motion. *See* 28 U.S.C. § 636(b)(1) (stating that the district court  
2 “may accept, reject, or modify, in whole or in part, the findings or recommendations  
3 made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject,  
4 or modify the recommended disposition; receive further evidence; or return the matter to  
5 the magistrate judge with instructions.”).

6 **IT IS ORDERED:**

- 7 1. Magistrate Judge Aspey’s R&R (Doc. 12) is **accepted**.
- 8 2. Motion to Vacate, Set Aside or Correct Sentence (Doc. 10) is **denied and**  
9 **dismissed with prejudice**.
- 10 3. The Clerk of Court shall **terminate** this action.
- 11 4. A certificate of appealability will not issue absent “a substantial showing of  
12 the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2).

13 Dated this 5th day of December, 2012.

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16 G. Murray Snow  
17 United States District Judge  
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